

Message Text

LIMITED OFFICIAL USE

PAGE 01 MADRID 02837 142034Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 COME-00 EB-08 INR-07
LAB-04 NSAE-00 SIL-01 DODE-00 PA-01 USIA-06
PRS-01 SP-02 /056 W
-----150501Z 077521 /12

R 141623Z APR 77
FM AMEMBASSY MADRID
TO SECSTATE WASHDC 9789
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY THE HAGUE
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY ROME
USMISSION NATO
USMISSION EC BRUSSEL
USMISSION GENEVA

LIMITED OFFICIAL USE MADRID 2837

E.O. 11652: N/A
TAGS: ELBA, SP
SUBJECT: LEGALIZATION OF TRADE UNIONS BILL

REF: MADRID 2396

SUMMARY: THE APRIL 15 COUNCIL OF MINISTERS MEETING IS
EXPECTED TO CONSIDER AND APPROVE REGULATORY LEGISLATION
NEEDED TO IMPLEMENT THE RECENTLY PASSED LEGALIZATION OF
TRADE UNIONS BILL. SHEDDING SOME LIGHT ON HOW THE GOVERN-
MENT VISUALIZES TRADE UNION DEVELOPMENT IN SPAIN IN THE
SHORT TERM, SSO SEC GEN MELITINO GARC HAS ASSERTED
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MADRID 02837 142034Z

PUBLICLY THAT THE NEW BILL DOES NOT AUTOMATICALLY DISSOLVE
THE SSO VERTICAL STRUCTURE. GIVEN THE INSUFFICIENT DEVELOP-
MENT OF THE NEW TRADE UNIONS, IT WAS ADVISABLE TO
HAVE "A BRIEF PERIOD OF COEXISTENCE". HE ALSO HAD
SOME THOUGHT ON EARLY PLANT COMMITTEE ELECTIONS.
CHARGES ARE ALREADY BEING LEVIED THAT BOTH THE RECENT
LABOR RELATIONS DECREE AND THE LEGALIZATION BILL ARE AT

VARIANCE WITH THE SPIRIT OF ILO CONVENTIONS 87 AND 98, RATIFIED BY SPAIN LAST MONTH. IN FACT, SPAIN AS YET ENJOYS MODIFIED, NOT COMPLETE TRADE UNION FREEDOM. END SUMMARY

1. THE LEGALIZATION OF TRADE UNIONS BILL, PASSED BY THE SPANISH CORTES MARCH 30 (REFTEL, CAME INTO FORCE ON APRIL 5 FOLLOWING ITS PUBLICATION IN THE OFFICIAL BULLETIN THE DAY BEFORE. IT IS EXPECTED THAT THE APRIL 15 COUNCIL OF MINISTERS MEETING WILL CONSIDER AND APPROVE THE REGULATORY LEGISLATION NEEDED TO IMPLEMENT THE BILL. THIS REGULATORY DECREE-LAW WOULD SPELL OUT THE GROUND RULES REGARDING SUCH MATTERS AS REGISTRATION PROCEDURES, CONTENT OF UNION STATUTES, AND JUDICIAL APPEAL IN CASES OF NON-LEGALIZATION, DISSOLUTION OR SUSPENSION. ONCE A TRADE UNION'S STATUTES ARE FILED, LEGALIZATION IS AUTOMATIC UNLESS WITHIN TWENTY DAYS THE STATUTES ARE FOUND TO BE LEGALLY UNACCEPTABLE. THUS, ONE GOVERNMENT SPOKESMAN SPECULATED, MANY OF THE OPPOSITION UNIONS CAN EXPECT TO BE LEGALLY CONSTITUTED BY MID-MAY.

2. DURING THE COURSE OF AN APRIL 9 INTERVIEW, SSO (SYNDICAL ORGANIZATION) SECRETARY GENERAL MELITINO GARCIA -- TOP MAN AFTER SYNDICAL RELATIONS MINISTER DE LA MATA -- SHED SOME LIGHT ON HOW THE GOVT VISUALIZES TRADE UNION DEVELOPMENT IN SPAIN IN THE SHORT TERM. PERHAPS THE MOST PROVOCATIVE STATEMENT WAS THE ASSERTION THAT THE NEW BILL DID NOT AUTOMATICALLY DISSOLVE THE SSO VERTICAL STRUCTURE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MADRID 02837 142034Z

AND THAT GIVEN THE INSUFFICIENT DEVELOPMENT OF THE NEW TRADE UNIONS, IT WAS ADVISABLE TO HAVE "A BRIEF PERIOD OF COEXISTENCE". MELITINO GARCIA HASTENED TO ADD THAT THE NATURE OF THIS COEXISTENCE WOULD HAVE TO BE CLARIFIED, AND IT WAS OBVIOUS THAT NONE OF THE VERTICAL STRUCTURES (WORKERS' AND EMPLOYERS' COUNCILS, SYNDICAL TRAINING SCHOOLS, ETC.) COULD CONTINUE TO EXIST IN THEIR CURRENT CONFIGURATION. THE "HOW AND WHEN" OF THIS RECONVERSION OR DISSOLUTION IS WHAT HAD TO BE ANALYZED AND RESOLVED.

3. THE SSO SECGEN THEN WENT ON TO SUGGEST THAT ALTHOUGH THE MANDATES OF SHO STEWARDS AND MEMBERS OF PLANT LABOR-MANAGEMENT COMMITTEES (JURADOS DE EMPRESA - CHOSEN IN THE 1975 SSO ELECTIONS) DID NOT EXPIRE UNTIL 1979, IT MIGHT BE PRUDENT TO HOLD NEW PLANT ELECTIONS SOMETIME BETWEEN OCTOBER 1977 AND THE SPRING OF 1978. HE THEN NOTED THAT THE AISS (ADMINISTRATION OF SOCIO-PROFESSIONAL SERVICES) HAD NOW IN FACT TAKEN OVER THE ACTUAL SERVICES AND ACTIVITIES OF THE SSO, AS WELL AS ITS

34,000 FUNCTIONARIES. THE AISS WOULD ALSO BE ADMINISTERING THE PROCEEDS OF THE OBLIGATORY SSO UNION DUES, NOW TERMED "PARAFISCAL TAX", WHICH WOULD CONTINUE TO PROVIDE SOCIAL SERVICES FOR ALL WORKERS INCLUDING THOSE IN THE NEW UNIONS. THE MAINTENANCE, REVISION OR ABOLISHMENT OF THIS LEVY WOULD HINGE ON WHAT SOCIAL SERVICES WERE TO BE OFFERED, A MATTER TO BE DECIDED IN THE NEAR FUTURE. FINALLY, MELITINO GARCIA STATED THAT THE MINISTER OF SYNDICAL RELATIONS PRESIDED OVER THE AISS ADMINISTRATIVE COUNCIL. THERE WAS NO LEGAL REASON, HE ADDED, WHY THE NEWLY FORMED TRADE UNIONS COULD NOT PARTICIPATE IN THE AISS COUNCIL, ON A TRI-PARTITE BASIS, TOGETHER WITH INDEPENDENT EMPLOYERS' ORGANIZATIONS AND GOVT REPRESENTATIVES (A LA ILO FORMAT).

4. COMMENT. IF NOTHING ELSE, MELTINO GARCIA HAS TAKEN THE BULL BY THE HORNS BY ACKNOWLEDGING THAT THE GOVT APPARENTLY DOES NOT INTEND ANY "IMMEDIATE DISMANTELEMENT" (AS DEMANDED LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 MADRID 02837 142034Z

BY THE OPPOSITION UNIONS) OR "COMPLETE DISMANTELEMENT" (AS EMPHASIZED BY THE ICFTU - SEE EC BRUSSELS 3597) OF THE VERTICAL SYDNICAL STRUCTURE. UNTIL NOW, THE GOVT HAS NOT BEEN WILLING PUBLICLY TO FACE UP TO THIS SENSITIVE ISSUE. THE RECOURSE TO A "TEMPORARY" PERIOD OF COEXISTENCE - A CONCEPT SURE TO BE SPURNED BY THE NEW UNIONS - STEMS FROM AN OFTEN-EXPRESSED GOVT FEAR OF A "DANGEROUS VACUUM" IN THE LABOR-MANAGEMENT ARENA UNTIL THE NEW UNIONS GET THEIR FEET ON THE GROUND. IT IS SIGNIFICANT THAT TWO OF THE LARGEST EMPLOYERS' ASSOCIATIONS HAVE EXPRESSED THEIR "PROFOUND DISAPPOINTMENT" OVER THE NEW LAW, REFERRING SPECIFICALLY TO THE CONTINUATION OF THE VERTICAL STRUCTURE. CHARGES ARE ALREADY BEING LEVIED THAT BOTH THE RECENT LABOR RELATIONS DECREE (MADRD 1715) AND THE LEGALIZATION OF TRADE UNIONS BILL ARE AT VARIANCE WITH THE SPIRIT OF ILO CONVENTIONS 87 AND 98, RATIFIED BY SPAIN LATE LAST MONTH. DESPITE DE LA MATA'S CANDID EXPLANATION THAT THE LEGALIZATION BILL WAS NOT LABOR REFORM PER SE, BUT REPRESENTED THE "MINIMUM" STEPS LEADING TO IT (REFTEL), THE FACT REMAINS THAT SPAIN AS YET ENJOYS MODIFIED, NOT COMPLETE TRADE UNION FREEDOM. THE EXTENT TO WHICH THE NEW UNIONS WILL OR WILL NOT PLAY BALL WITH THE GOVT WILL IN LARGE MEASURE DEPEND ON HOW THE NEW LEGALIZATION LAW IS APPLIED OVER THE NEXT FEW MONTHS. STABLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION RESULTS, LABOR RELATIONS, LAW, LABOR UNIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MADRID02837
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770130-1175
Format: TEL
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770458/aaaabxxv.tel
Line Count: 162
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 783f23a5-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 MADRID 2396
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2808122
Secure: OPEN
Status: NATIVE
Subject: LEGALIZATION OF TRADE UNIONS BILL
TAGS: ELAB, SP
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/783f23a5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009